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C. REMARKS

Status of the Claims

Claims 1, 5, 8, 11, 14, 18, and 21-30 are currently present in the Application, and claims 1, 8, and 14, and 27 are independent claims. Claims 1, 8, 14, and 21-26 have been amended, claims 7, 13, and 20 have been cancelled, and claims 28-30 have been added.

Examiner Interview

Applicants wish to thank the Examiner for the courtesy extended to Applicants' representative during a telephone interview on November 17, 2005. During the interview, Applicants' representative and the Examiner discussed the rejections under 35 U.S.C. § 112, the rejections under 35 U.S.C. § 101, and rejections to claim 7. Applicants' representative indicated that the independent claims would be amended based upon language found in the specification in order to overcome the 112 rejection to the independent claims. In addition, Applicants' representative indicated that the preamble of the computer program product claims would be amended to overcome the 101 rejection.

In addition, Applicants' representative discussed that Klaus does not teach or suggest the limitations found in Applicants' claim 7, and suggested incorporating claim 7's limitations into the independent claims in order for the independent claims to read over the art of record. The Examiner reviewed Klaus and agreed that it was not apparent that Klaus taught claim 7's limitations, but wished to review Klaus in more detail. No agreement was reached regarding the claims.

Drawings

Applicants note that the Examiner did not indicate whether the formal drawings, filed with Applicants' application, are accepted by the Examiner. Applicants respectfully requests that the Examiner indicate whether the formal drawings are accepted in the next office communication.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 8, and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. As discussed with the Examiner, Applicants have amended claims 1, 8, and 14 to include "retrieving a number of packets received that correspond to the source IP address," which coincides with the specification, and request removal of the 112 rejection to these claims.

Claim Rejections Under 35 U.S.C. § 101

Claims 14, 18, 25, and 26 stand rejected under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to nonstatutory subject matter. As discussed with the Examiner, Applicants have amended the preambles to claims 14, 18, 25, and 26. As amended, claims 14, 18, 25, and 26 are directed to statutory subject matter and, therefore, Applicants request removal of the 101 rejection to these claims.

Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103

Claims 1, 5, 8, 11, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta et al. (U.S. Patent No. 6,389,532, hereinafter "Gupta") in view of Goldstone

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(U.S. Patent Pub. 2002/0101819, hereinafter "Goldstone") and further in view of Lockhart et al. (U.S. Patent No. 6,189,035, hereinafter "Lockhart"). Claims 7, 13, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Goldstone, and further in view of Lockhart, and further in view of Klaus (U.S. Patent No. 5,892,903, hereinafter "Klaus"). Applicants respectfully traverse these rejections.

As discussed with the Examiner, Applicants have incorporated the limitations of claims 7, 13, and 20 into independent claims 1, 8, and 14, respectively. As amended, Applicants' independent claims include the limitations of:

- providing a test script, the test script including one or more attack simulations;

- processing the attack simulations included in the test script;

- determining whether to change one or more configuration settings based upon the processing;

- changing one or more of the configuration settings based upon the determination;

- receiving a packet from a client computer;

- identifying the client computer by a source IP address;

- calculating a number of packets received using the source IP address during a time interval, wherein the calculating includes:

  - retrieving a number of packets received that correspond to the source IP address; and

  - incrementing the number of packets received;

- comparing the incremented number of packets received with one or more of the configuration settings;

- determining an action from a plurality of actions based on the comparing; and

- executing the action.

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Applicants process a test script and change one or more configuration settings based upon the process results. The Office Action uses Klaus to reject Applicants' first through fourth elements in amended claim 1, which were originally included in claim 7. As discussed with the Examiner, Klaus never teaches or suggests "determining whether to change one or more configuration settings based on the processing, and changing one or more of the configuration settings based on the determination" as claimed by Applicants. Rather, the except from Klaus that the Office Action uses to reject Applicants' limitations states:

> "...the system includes an IP spoofing attack generator 32, a source/destination address generator 34 and a service command generator 36. Source/destination address generator 34 identifies the internet and physical addresses of the computers on the network 12 to be tested. Source/destination address generator 34 verifies that each computer on network 12 is emulated in IP spoofing attacks on all of the other computers on network 12. In this manner, the inventive system exhaustibly tests all possible attack combinations on a network. Service command generator 36 generates commands for a service which may be coupled to a port which IP spoofing attack generator 32 is able to initiate a communications connection... The service command received from command message generator 36 and the source and destination addresses received from source/destination address generator 34 are used by IP spoofing attack generator 32 to provide data and header content for messages sent to transport layer 22 and network layer 24 of protocol stack 20 which are used to implement the IP spoofing attack and detection" (col. 9, lines 1-41)

As can be seen, the excerpt above discusses _how_ Klaus tests a computer network for IP spoofing, but never teaches or suggests an _action_ to take based on the results of the tests, let alone "_determining whether to change one or more of the configuration settings based on the processing, and changing one or more of the configuration settings based on the_

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determination" as claimed by Applicants. The Office Action also states that Gupta in view of Goldstone, and further in view of Lockhart fail to teach these limitations, and indeed they do not. Therefore, since Gupta, Goldstone, Lockhart, or Klaus do not teach or suggest, in whole or in part, either alone or in combination with each other, all the limitations included in Applicants' claim 1 as amended, amended claim 1 is allowable.

Claim 8 as amended is an information handling system claim including the same limitations of amended claim 1 and, therefore, is allowable for the same reason as amended claim 1. Claim 14 as amended is a computer program product claim including the same limitations of amended claim 1 and, therefore, is allowable for the same reason as amended claim 1.

Claims 21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Goldstone and further in view of Lockhart, and further in view of Carlson (U.S. Patent No. 6,381,649, hereinafter "Carlson"). Applicants respectfully traverse these rejections. Claim 21 is dependent upon claim 1. The Office Action does not suggest that Carlson teaches or suggests the limitations of claim 1, and indeed Carlson does not. Therefore, since claim 1 is allowable for the reasons discussed above, claim 21 is also allowable for at least the same reasons as claim 1. Claim 23 is an information handling system claim including the same limitations as claim 21 and, therefore, is allowable for at least the same reasons as claim 21 is allowable. Claim 25 is a computer program product claim including the same limitations as claim 21 and, therefore, is allowable for at least the same reasons as claim 21 is allowable.

Claims 22, 24, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Goldstone and further in view of Lockhart, and further in view of Porras et al. (U.S. Patent No. 6,321,338, hereinafter "Porras"). Applicants respectfully traverse these rejections. Claim 22 is dependent upon claim 1. The Office Action does not suggest that Porras teaches or suggests the limitations of claim 1, and indeed Porras does not. Therefore, since claim 1 is allowable for the reasons discussed above, claim 22 is also allowable for at least the same reasons as claim 1. Claim 24 is an information handling system claim including the same limitations as claim 22 and, therefore, is allowable for at least the same reasons as claim 22 is allowable. Claim 26 is a computer program product claim including the same limitations as claim 22 and, therefore, is allowable for at least the same reasons as claim 22 is allowable.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ptacek et al. (U.S. Patent No. 6,636,972, hereinafter "Ptacek") in view of Lockhart and further in view of Barrett et al. (U.S. Patent Pub. 2002/0059454, hereinafter "Barrett"). Applicants respectfully traverse these rejections.

Claim 27 includes the limitations:

- evaluating the packet limit and the socket limit used during the attack simulations, the evaluating including:
    - analyzing the performance of the server computer during the simulation; and
    - adjusting a server configuration setting based on the analysis, wherein the adjusted server configuration setting is selected from group consisting of the stored packet limit and the stored socket limit.

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The Office Action contends that Ptacek teaches the above limitations of claim 27. However, after further review of Ptacek, Ptacek does not teach or suggest such limitations. The excerpt from Ptacek that the Office Action uses to reject claim 27's limitations above states:

> "The system implements methodology providing a Custom Attack Simulation Language (CASL) that serves as an exploration tool for network protocols.... Since networks work by exchanging packets of information, CASL focuses on allowing users to read and write packets directly to and from the network. CASL functions as a scripting language-a high level programming language, like Perl, Python, or TEL... CASL is intended primarily for security auditing applications; that is to say, CASL is intended to simulate attacks against hosts in order to see if those hosts are vulnerable to attacks of a given nature..." (col. 6, lines 29-44, emphasis added).

As can be seen from the above excerpt, Ptacek teaches sending packets over a computer network for auditing purposes, but never teaches or suggests "adjusting a server configuration setting based on the analysis, wherein the adjusted server configuration setting is selected from group consisting of the stored packet limit and the stored socket limit" as claimed by Applicants. The Office Action does not suggest that Lockhart or Barret teach or suggest Applicants' "adjusting" step, and indeed they do not. Therefore, since Ptacek, Lockhart, and Barret, either alone or in combination with each other, do not teach or suggest all the limitations included in claim 27, claim 27 is allowable over Ptacek in view of Lockhart and further in view of Barret.

Claim Additions

Applicants have added claims 28-30 to the subject application in this amendment. Each of claims 28-30 are

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supported in the original specification and, therefore, do not add new subject matter.

Notwithstanding the fact that claims 28-30 are dependent upon claims 1, 8, and 14, respectively, and therefore allowable for the same reasons as amended claims 1, 8, and 14 discussed above, claims 28-30 add a limitation to their respective independent claims that "at least one of the configuration settings are selected from the group consisting of a number of packets allowed, a time interval, a server port, and an overcount action." As discussed above, the art of record never teaches or suggests *changing one or more configuration settings* as claimed by Applicants. As a result, the art of record never teaches or suggests "wherein at least one of the configuration settings are selected from the group consisting of a number of packets allowed, a time interval, a server port, and an overcount action" as claimed by Applicants. Therefore, since the art of record does not teach or suggest all the limitations included in claims 28-30, claims 28-30 are allowable over the art of record.

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the amended claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes

that such a discussion would be helpful in resolving any
remaining questions or issues related to this Application.

                              Respectfully submitted,

                    By *Leslie A. Van Leeuwen*
                        Leslie A. Van Leeuwen
                        Attorney for Applicants
                        Registration No. 42,196
                        Telephone: (512) 301-6738
                        Facsimile: (512) 301-6742